

IC 20-5-45

Chapter 45. Appeal From Condemnation Finding

IC 20-5-45-1

Appeal procedure

Sec. 1. (a) An appeal shall lie from all decisions of the state department of health of Indiana in any matter involving the building, changing, or condemnation of any school building in the state of Indiana. Said appeal may be taken by any township trustee, board of school trustees, or board of school commissioners, or by any member of any township board, or by ten (10) or more residents and taxpayers of any township, town, or city where said matter involving the building, changing, or condemnation of such school building occurred; and said appeal may be taken to any circuit or superior court of the county where such township is located, and final appeal therefrom may be had to any court of last resort in the state of Indiana.

(b) The appeal shall be taken in the name or names of the person or persons taking same, or in the name of the officer taking same. The appeal shall be perfected by filing in the office of the clerk of the court to which the appeal is taken, within thirty (30) days from the date of final decision by the state department of health so ordering such changing or condemnation or building of such school building, a complaint or petition setting forth the facts complained of. The state department of health, and, in the event the appeal is taken by the residents and taxpayers or by a member or members of the township board, the township trustee, board of school commissioners, or board of school trustees shall be named as parties defendant to such cause of action. Notice of the filing and pendency of such appeal shall be made by serving a summons, regularly issued out of the court where same is pending, on the commissioner of the state department of health at least ten (10) days prior to the hearing of the cause, and thereafter the appeal shall be tried as other civil causes are tried in Indiana. If appeal be taken by private citizens, bond approved by the court shall be given to cover costs and reasonable attorney's fees, if such appeal shall not be sustained.

(Formerly: Acts 1919, c.90, s.1.) As amended by P.L.8-1987, SEC.48; P.L.2-1992, SEC.704.